

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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To: Field Managers, Nevada
Deputy State Directors and Staff Chiefs, NSO

From: State Director, Nevada

Subject: Historic Landscape Management Along National Historic Trails (NHTs)

PURPOSE

This instruction memorandum establishes state-wide policy for managing effects on historic landscapes surrounding NHTs. This guidance applies to all new land-use authorizations on public land in the vicinity of the NHTs. It applies to current and future NHTs in Nevada designated under the National Trails System Act of 1968 (NTSA).

This guidance is prompted by such congressional acts as the Energy Policy and Conservation Act amendments of 2000. That legislation calls for estimates of onshore oil and gas reserves and the identification of restrictions or impediments to their development. Protection or treatment of NHTs may pose impediments due to the extensive linear nature of such trails and the associated historic landscape.

The NTSA establishes landscapes adjacent to congressionally identified centerlines as important to the American public's appreciation of historic trails. The National Historic Preservation Act (NHPA) similarly provides for protection of the integrity of setting, feeling, and similar characteristics associated with historic properties. The compliance requirements of Section 106 may necessitate redesign and additional time to avoid adverse effects.

This memorandum provides BLM field offices with a threshold for a finding of no adverse effect to historic landscapes adjacent to NHTs. This instruction may be particularly useful in relation to undertakings such as development of oil and gas reserves, minerals, power transmission, and similar activities that may pose prominent alterations to existing landscapes. Application of this management process may lessen or remove such restrictions or impediments while also achieving objectives for preservation and appreciation of historic landscapes associated with NHTs.

BACKGROUND

At present, NHTs in Nevada include the California (CNHT), Pony Express (PX), and Old Spanish Trail (OST). The CNHT and PX trails were designated in 1992, while the OST was designated in 2002. Congress designates each NHT and its centerline, and the centerline becomes the focus for managing the trail and its surrounding landscape. Nevada BLM manages approximately 940 miles of NHTs, most crossing multiple field offices.

During the feasibility study phase of the NHT designation process, areas adjacent to proposed centerlines are analyzed and “high-potential route segments” and “high-potential sites” identified where there exist greater than average historic landscape values or opportunities for appreciating the experience of the original users of the NHT. Under the NTSA, physical traces are not required in order to qualify for a high-potential designation. High-potential segments and sites have been identified for the CNHT and PX in Nevada and are shown in National Park Service (NPS) (1999). These designations have not been made for the OST; it will be managed as high potential until segments and sites have been identified in the NHT planning process.

Each NHT is also a cultural resource subject to compliance with Section 106 of NHPA, as amended. Cultural resources determined eligible for the National Register of Historic Places (NRHP) are significant in part because they possess integrity in a mixture of location, design, setting, materials, workmanship, feeling, or association. Adverse effects occur when, among other things, integrity is diminished, directly or indirectly, in any of the characteristics of a historic property that qualify that property for inclusion in the NRHP. Determinations of NRHP eligibility typically are an outcome of cultural resource inventory and consultation with the Nevada State Historic Preservation Office (SHPO). Until such inventory and consultation can be completed, high-potential segments and sites as well as unevaluated sites and segments will be managed as if they are eligible.

The BLM uses visual resource classes to establish relative visual values in an area and for managing to achieve certain objectives (BLM Manual H-8410-1). As used here, the objective is to avoid, minimize, or mitigate adverse effects to historic landscapes surrounding NHTs as a result of BLM land-use authorizations and to have no net decrease in the value of high-potential segments or sites regardless of NRHP eligibility.

Potential adverse effects are analyzed and treated in consultation with SHPO under the provisions of the Statewide Protocol Agreement. BLM and SHPO agree that potential adverse effects to landscapes adjacent to NHTs can be mitigated to no adverse effect when a Class II visual resource management (VRM) objective is achieved. Alterations to landscapes adjacent to high-potential segments and sites can be mitigated in the same way. As defined in BLM Manual H-8410-1, the VRM Class II objective is retention of the existing character of the landscape, where the level of change may be seen, but should not attract the attention of the casual observer, and should repeat basic elements of form, line, color, and texture found in the predominant characteristic landscape.

This IM does not alter existing VRM objectives or classifications as defined in a Resource Management Plan. It does specify a procedure for managing a proposed BLM land-use application within the historic landscape adjacent to an NHT so as to avoid an adverse effect, as defined in the NHPA, or to maintain historic trail values along NHTs under the NTSA.

METHOD

A. Importance

The initial step is to establish whether a NHT element (i.e., site, segment) is important. If no important NHT element is present, analysis will address other visual values as necessary. The two categories of important NHTs are:

- 1) a segment or location of NHT determined eligible for the NRHP or unevaluated with regard to eligibility to the NRHP, or
- 2) a high-potential site or segment of a NHT.

B. Area of Analysis

The visual resource analysis includes the direct effects area and extends beyond that corridor beginning at the outer edge of the direct effects area. From the outer edge of the direct effects area, the area of VRM analysis will include the Foreground-Middleground Zone (FMZ) for a minimum of three miles to a maximum of five miles. Where natural topography precludes complete visibility within this three to five mile FMZ, analysis will extend to the visual horizon. Depending on the importance of a particular NHT segment or site, the BLM may extend analysis to the Background Zone for as much as fifteen miles or more from a NHT.

C. Analysis

The Visual Resource Contrast Rating System will be used to analyze potential visual impacts, to rate the degree of contrast that would occur, and to assess whether VRM objectives are met. The “degree of contrast criteria” include none, weak, moderate, and strong and correspond roughly to VRM management criteria I, II, III and IV, respectively.

D. Determining Impacts

1. Effects under Section 106

For NHT segments or sites eligible for the NRHP, or where a NHT site or segment remains unevaluated for the NHRP, the degree of contrast criterion established by analysis must be none or weak in order to reach a finding of no adverse effect for undertakings subject to Section 106.

The no adverse effect finding corresponds to Class I or Class II VRM objectives for important NHTs. However, the Class II VRM objective

shall be the standard for findings of no adverse effect unless the site or segment in question is in an area having a more stringent (i.e., Class I) VRM objective for any reason.

2. Effects under NTSA

When dealing with high-potential sites or segments that are not eligible due to a lack of integrity, the degree of contrast criterion established by analysis must be none or weak in order to minimize changes that might result in degradation of those scenic values or opportunities for sharing the experience of the original users of the NHT. Meeting these standards should suffice for a finding of no significant impact under NEPA.

Signed by:
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Authenticated by:
Florence Kopec
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National Park Service (NPS)

1999 *Comprehensive Management and Use Plan/Final Environmental Impact Statement: California National Historic Trail, Pony Express National Historic Trail. Management and Use Plan Update/Final Environmental Impact Statement: Oregon National Historic Trail, Mormon Pioneer National Historic Trail.* U.S. Department of the Interior, National Park Service, Long Distance Trails Office, Salt Lake City, Utah.